

LICENSING AND SAFETY COMMITTEE
02 OCTOBER 2008
7.40 - 9.50 PM



Present:

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Baily, Mrs Barnard, Beadsley, Brossard, Osborne, Virgo and Thompson.

Also Present:

Steve Loudoun, Chief Officer Environment & Public Protection
Rob Sexton, Head of Trading Standards & Services
Laura Driscoll, Licensing Team Leader
Simon Bull, Legal Services
Priya Patel, Democratic Services Officer

Apologies for absence were received from:

Councillors Browne, Burrows, Kendall and Leake

10. Declarations of Interest

There were no declarations of interest made at the meeting.

11. Minutes

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee on 3 July 2008 were approved as a correct record and signed by the Chairman.

12. Enforcement Policy

The Committee was asked to consider and comment upon the proposed draft Enforcement Policy as set out in Appendix A of the report. It was reported that the Policy would be submitted for approval to the Executive.

It was reported that there were two new elements to the Policy; the first was around dealing with the proceeds of crime and the second was around restorative justice.

Members asked that paragraph 6.10.4, penultimate bullet point be amended to read 'Exclude a *mandatory* condition attached to the Licence, remove or amend an exclusion'.

Subject to this amendment it was **RESOLVED** that

- i) the Committee had considered the draft Enforcement Policy as set out in Appendix A prior to formal adoption.

13. Fees and Charges

The Committee considered the proposals for fees and charges and were asked to agree a set of fees that would go forward for public consultation and agreement by the Executive as part of the budget review process.

It was reported that the Council was entitled to recover its costs in respect of the work associated with some pieces of legislation. In some instances, such as caravan site licences and charitable collection permits, the Council was not entitled to charge for the service it provided. In other cases, such as licences issued under the Licensing Act 2003, the fees were set centrally by Government through legislation and did not allow for local discretion.

It was noted that the Council had created a separate budget for the licensing of taxis and appropriated costs to that budget.

It was **RESOLVED** that;

- i) the Committee approved the proposed fees and charges document at Appendix A of the agenda papers for public consultation.

14. **Animal Boarding Establishments - Home Boarding for Dogs**

The Committee considered a report that asked them to approve the use of Home Boarding for Dogs conditions and fees as detailed in Appendix A of the agenda papers.

It was noted that when officers were required to inspect homes, they could request the assistance of other professionals such as a vet or the RSPCA. It was noted that the cost of the professionals time should be built into the Council's fees and charges.

It was **RESOLVED** that;

- i) the Committee approved the use of the Home Boarding Model Conditions for Dogs as detailed in Appendix A to the report,
- ii) the fees be set at £120 for a new application and £100 for a renewal application, subject to discretion being given to the Director of Environment, Culture and Communities, in consultation with the Chairman, to waive the fee where there was satisfactory evidence that the activity was being undertaken for charitable purposes and without personal gain.

15. **Film Classification Procedure**

The Committee considered a report that asked them to agree an addition to the Council's Statement of Licensing Policy in relation to film classification.

It was reported that at present, the Council's Statement of Licensing Policy only contained reference to the re-classification of films, and therefore there was a need to clarify what the Council's procedure should be in cases where a film had not been subject to classification by the British Board of Film Classification.

It was **RESOLVED** that:

- i) authority be delegated to the Director of Environment, Culture and Communities, in consultation with the Chairman of the Licensing and Safety Committee, to determine applications for classification of films.

16. **Face-to-Face Direct Debit Collections - Site Agreement**

The Committee considered a report that asked them to approve an agreement that would govern face-to-face direct debit collections within the town centre, carried out by members of the Public Fundraising Regulatory Association (PFRA).

The Committee unanimously agreed that Stanley Walk should not be used by collectors as it was too narrow and not a suitable location, in line with the Town Centre Manager's comments.

It was **RESOLVED** that:

- i) the PFRA site agreement at Appendix A of the agenda papers be approved as the document governing face-to-face collections within the town centre carried out by members of the PFRA, subject to the deletion of Stanley Walk.

17. **Bracknell Licensed Taxi Forum**

The Committee considered a report that asked them to agree that officers bring to the Committee meeting on 5 February 2009 a report on a proposal for an 'unmet demand survey'.

It was reported that representatives of the taxi trade had approached officers about their concerns around trade in the Borough. The Council had a duty to issue as many licences as was necessary to satisfy demand in the Borough, if the Council was satisfied that there was no unmet demand it could refuse to issue further licences. A survey would need to be carried out in order to establish whether there was any unmet demand.

Officers would meet with the trade to go through exploratory costs for a survey and come back to the Committee with a report and recommendation. Costs were likely to be around £10,000 - £20,000 and would be recouped from taxi licence fees.

The Committee considered a letter that had been submitted by the Chairman of the Bracknell Licensed Taxi Forum and who represented the views of the majority of Hackney Carriage drivers.

In response to members' queries about the barrier at Heathrow airport, officers agreed to make enquiries about the height restriction of the barrier and report back to the Committee.

The Chairman raised concerns around private hire vehicles parking on taxi ranks plying for trade. Officers reported that they were aware of the problems and that parking attendants had been asked to target the problem areas.

It was confirmed that signs were clearly posted around the taxi rank to deter other vehicles from parking there. Officers stated that it was important that the trade reported specific details of the problems so that officers could take appropriate enforcement action.

Members stated that they had sympathy with the trade and would hope to support the proposal for an unmet demand survey.

It was **RESOLVED** that;

- i) the Committee noted the contents of the minutes at Appendix A of the agenda papers and
- ii) agreed that officers bring to the Committee on 5 February 2009 a report on a proposal for an unmet demand survey, including the results of any consultation with the trade.

18. **Hackney Carriage Fare Tariff**

The Committee considered a report that recommended that no changes be made to the taxi tariff at this time.

It was reported that having consulted the Bracknell Licensed Taxi Forum, the Forum had agreed that no changes to taxi tariffs should be made at this time. Members were pleased that the Forum now existed as a mechanism of consultation with the taxi trade.

It was **RESOLVED** that the Committee agreed;

- i) to accept the advice of the trade and not implement a change to the hackney carriage fare tariff at this time; and
- ii) that officers would bring a further report on the tariff to the Committee at its meeting on 23 April 2009.

19. **First Aid Training for Licensed Drivers**

The Committee considered a report that asked them to agree additional conditions to ensure that licensed drivers attended first aid training regularly.

It was proposed that from April 2009, all drivers who had not yet attended a first aid course would be booked on to a course and notified of the details in writing. Failure to attend the course without good reason would lead to the driver's licence being suspended until a course was attended.

Members' asked that this item be deferred until the next meeting of the Committee, in order to allow officers to research some of the concerns raised by the taxi trade.

It was **RESOLVED** that this item be deferred until the next meeting of the Committee on 5 February 2009.

20. **Advertising on Hackney Carriages**

The Committee considered a report that asked them to approve the proposals around advertising on Hackney Carriages.

It was **RESOLVED** that the Committee approved with immediate effect:

- i) the use of the criteria at Appendix A of the report to assess all applications for advertisements on wheelchair accessible hackney carriages,
- ii) that any vehicles which currently display advertising be required to apply for authorisation of the advert at the time of their next licence renewal application,
- iii) that authority be delegated to the Director of Environment, Culture and Communities to determine such applications, and
- iv) that the fee in the current year for consideration of such applications be set at £30.00 per advert for new applications, and £20.00 for renewal applications.

CHAIRMAN